

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

JAMES EDWARD ROSE, JR.,
Plaintiff,

v.

THE BANK OF NEW YORK
MELLON, *et al.*,
Defendants.

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CIVIL ACTION NO. 18-CV-2530

ORDER

AND NOW, this 21st day of June, 2018, upon consideration of Plaintiff James Edward Rose, Jr.'s Motion for Leave to Proceed *In Forma Pauperis* (ECF No. 1), his *pro se* Complaint (ECF No. 2), his "Motion for Temporary Injunction" (ECF No. 3), and his "Motion Directing United States Marshal's Office to Serve the Named and Unnamed Defendants Through Their Counsel Milstead and Associates or in Person" (ECF No. 4), it is **ORDERED** that:

1. Leave to proceed *in forma pauperis* is **GRANTED**.
2. The Complaint is **DEEMED** filed.
3. The Complaint is **DISMISSED without prejudice** for failure to state a claim, pursuant to 28 U.S.C. § 1915(e)(2)(B)(ii) and Rule 8 of the Federal Rules of Civil Procedure, for the reasons set forth in the Court's Memorandum.
4. Rose is given leave to file an amended complaint within thirty (30) days of the date of this Order in the event that he can cure the defects identified in his initial Complaint. Any amended complaint must identify the defendants in the caption in addition to the body, and shall state the basis for Rose's claims against each defendant. If Rose does not know the identity of any of the individuals responsible, he may refer to them as Jane or John Doe. Upon the filing

of an amended complaint, the Clerk of Court shall not make service until so **ORDERED** by the Court.

5. The Clerk of Court is **DIRECTED** to furnish Rose with a blank copy of this Court's current standard form to be used by a *pro se* litigant filing a civil action bearing the above-captioned civil action number. Rose may use this form to file his amended complaint.

6. Rose's Motions (ECF Nos. 3 and 4) are **DENIED**.

7. If Rose fails to file an amended complaint, his case may be dismissed for failure to prosecute without further notice.

BY THE COURT:

/s/ Jeffrey L. Schmehl
JEFFREY L. SCHMEHL, J.